

AMENDED IN SENATE JULY 12, 1999

AMENDED IN SENATE JUNE 29, 1999

AMENDED IN ASSEMBLY MARCH 10, 1999

AMENDED IN ASSEMBLY FEBRUARY 3, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 89

Introduced by Assembly Member Cedillo

December 10, 1998

An act to amend Section 830.7 of the Penal Code, relating to arrest.

LEGISLATIVE COUNSEL'S DIGEST

AB 89, as amended, Cedillo. Arrest: public officers.

Existing law authorizes certain persons who are not peace officers to exercise powers of arrest if they have completed a specified training course.

This bill would ~~include~~ *extend that authority to* persons regularly employed as ~~inspectors or~~ investigators by ~~a city or county department of transportation and designated by local ordinance as public officers, to the extent necessary to enforce laws related to public transportation~~ *the Department of Transportation for the City of Los Angeles*, as specified. This bill would specify that these persons are not peace officers for purposes of ~~the provisions that prohibit imposing an enhanced punishment for the crime of assault and battery committed against peace officers.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 830.7 of the Penal Code is
2 amended to read:

3 830.7. The following persons are not peace officers
4 but may exercise the powers of arrest of a peace officer
5 as specified in Section 836 during the course and within
6 the scope of their employment, if they successfully
7 complete a course in the exercise of those powers
8 pursuant to Section 832:

9 (a) Persons designated by a cemetery authority
10 pursuant to Section 8325 of the Health and Safety Code.

11 (b) Persons regularly employed as security officers for
12 independent institutions of higher education, recognized
13 under subdivision (b) of Section 66010 of the Education
14 Code, if the institution has concluded a memorandum of
15 understanding, permitting the exercise of that authority,
16 with the sheriff or the chief of police within whose
17 jurisdiction the institution lies.

18 (c) Persons regularly employed as security officers for
19 health facilities, as defined in Section 1250 of the Health
20 and Safety Code, that are owned and operated by cities,
21 counties, and cities and counties, if the facility has
22 concluded a memorandum of understanding, permitting
23 the exercise of that authority, with the sheriff or the chief
24 of police within whose jurisdiction the facility lies.

25 (d) Employees or classes of employees of the
26 California Department of Forestry and Fire Protection
27 designated by the Director of Forestry and Fire
28 Protection, provided that the primary duty of the
29 employee shall be the enforcement of the law as that duty
30 is set forth in Section 4156 of the Public Resources Code.

31 (e) Persons regularly employed as inspectors,
32 supervisors, or security officers for transit districts, as
33 defined in Section 99213 of the Public Utilities Code, if the
34 district has concluded a memorandum of understanding
35 permitting the exercise of that authority, with, as

1 applicable, the sheriff, the chief of police, or the
2 Department of the California Highway Patrol within
3 whose jurisdiction the district lies. For the purposes of this
4 subdivision, the exercise of peace officer authority may
5 include the authority to remove a vehicle from a railroad
6 right-of-way as set forth in Section 22656 of the Vehicle
7 Code.

8 (f) Nonpeace officers regularly employed as county
9 parole officers pursuant to Section 3089.

10 (g) Persons appointed by the Executive Director of
11 the California Science Center pursuant to Section 4108 of
12 the Food and Agricultural Code.

13 (h) Persons regularly employed as ~~inspectors or~~
14 ~~investigators by a city, county, or city and county~~
15 ~~department of transportation~~ *investigators by the*
16 *Department of Transportation for the City of Los Angeles*
17 and designated by local ordinance as public officers, to
18 the extent necessary to enforce laws related to public
19 transportation, *and authorized by a memorandum of*
20 *understanding with the chief of police, permitting the*
21 *exercise of that authority.* For the purposes of this
22 subdivision, ~~“inspector or investigator”~~ *“investigator”*
23 means an employee defined in Section 53075.61 of the
24 Government Code authorized by local ordinance to
25 enforce laws related to public transportation.
26 Transportation ~~inspectors or~~ investigators authorized by
27 this section shall not be deemed “peace officers” for
28 purposes of Sections 241 and 243.